

REMARKS

Formal Matters

Claims 1-3, 7-10 and 15-19 are pending after entry of the amendments set forth herein.

Claims 1-14 were examined. Claim 1 was rejected. Claims 2-14 were objected to but indicated to be allowable if rewritten in independent form. Applicants thank the Examiner for the indication of allowance.

By this Amendment, claim 1 has been amended, claims 4-6 and 11-14 have been cancelled and claims 15-19 have been added. The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as an acquiescence to any objection or rejection of any claim. Support for the amendments and additions to the claims is found throughout the specification and in the originally filed claims. Accordingly, no new matter is added by these amendments and additions.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejection Under 35 U.S.C. §103

In the Office Action, claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kahler et al. in view of Schreiber et al. Applicants respectfully traverse the rejection.

As amended, claim 1 includes the limitation presented in claim 2 which was indicated to be allowable by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Additionally, as newly added claim 16 is dependent upon amended claim 1, it too is patentable.

Newly added claims 17-19 are directed to a method of dispensing and using a plurality of test strips for analyzing biological fluid, the method comprising providing an apparatus comprising a housing having a chamber, a means for retaining a plurality of test strips in a substantially moisture-proof, air-tight first position within the chamber, and an electrochemical means for analyzing a biological fluid; opening the chamber and moving one of the plurality of test strips from the first position inside of the chamber to a second position at least partially outside of the chamber; causing the biological fluid to contact the test strip when in the second position; and electrochemically analyzing the biological fluid when the test strip is in the second position.

Applicants respectfully submit that neither Kahler et al., Schreiber et al. nor Stewart nor any combination thereof disclose such a method and, as such, claims 17-19 are patentable.

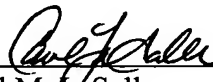
Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-037.

Respectfully submitted,
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Date: 5/20/03

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